

Charitable contributions; educational organization. An organization exempt under section 501(c)(3) of the Code that offers a variety of lectures, workshops, and short courses on oriental philosophies and psychic phenomena, led by various invited authorities and noted personalities in these fields and open to the general public as well as members who wish to attend, is not an educational organization under section 170(b)(1)(A)(ii).

Advice has been requested whether the nonprofit organization described below qualifies as an educational organization described in section 170(b)(1)(A)(ii) of the Internal Revenue Code of 1954.

The organization is exempt from Federal income tax under section 501(c)(3) of the Code. It offers a variety of lectures, workshops, and short courses on oriental philosophies and psychic phenomena with various invited authorities and noted personalities in these fields as leaders. These programs are open to the general public as well as to the organization's members. Members pay annual dues to support the organization's work and receive a reduction on admission fees for any activity they wish to attend.

Section 170(b)(1)(A)(ii) of the Code provides that the deduction provided in section 170(a) shall be limited, inter alia, to charitable contributions to an educational organization which normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

Section 1.170A-9(b)(1) of the Income Tax Regulations provides that an educational organization is described in section 170(b)(1)(A)(ii) of the Code if its primary function is the presentation of formal instruction and it normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. The term includes institutions such as primary, secondary, preparatory, or high schools, and colleges and universities.

Rev. Rul. 62-23, 1962-1 C.B. 200, describes a boys' club that conducts regular classes in a variety of subjects such as model building, woodwork, radio, photography, auto repair, and music appreciation. The organization was not an educational organization within the meaning of former section 4057(b) of the Code, section 4221(d)(5), and former section 4294(b) because its various optional courses did not constitute a curriculum. Such an optional, heterogeneous collection of courses is not formal instruction.

In Rev. Rul. 64-128, 1964-1 (Part I) C.B. 191, an organization formed to conduct lectures and hold conferences of scholars, government officials, and other individuals in all

fields of endeavor was held not to be an educational organization described in former section 503(b)(2) of the Code because it did not (1) normally maintain a regular curriculum, (2) have a regular faculty, or (3) have a regularly enrolled body of pupils or students in attendance where the activities are carried on.

In this case, the subject matter of the organization's optional lectures, workshops, and short courses concerns a general area, but they are neither organized into an interrelated curriculum so as to constitute formal instruction nor offered on a regular basis. Moreover, the organization does not maintain a regular faculty.

Accordingly, it is not an educational organization described in section 170(b)(1)(A)(ii) of the Code.